

Message Text

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SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE: MARCH 16 SESSION

1. SUMMARY: GENERAL DEBATE CONTINUED AT 268TH OSLSC MEETING
MARCH 16 A.M. AUSTRIA CALLED FOR RENEWED EFFORTS TO FIND
ACCEPTABLE SOLUTIONS TO OUTSTANDING PROBLEMS BUT DEFERRED
DETAILED COMMENTS ON SPECIFIC AGENDA ITEMS. GDR EMPHASIZED
THREE FUNDAMENTAL PRINCIPLES REGARDING USE OF OUTER SPACE
AND SAID 1967 TREATY SHOULD PROVIDE FRAMEWORK FOR AGREEMENT
ON MOON AND OTHER CELESTIAL BODIES. BELGIUM CALLED FOR DBS
SOLUTION BASED ON PRINCIPLE OF CONSULTATIONS, SAID WORK SHOULD
PROCEED ON COMMON ELEMENT REGARDING DETRIMENTAL USES OF
REMOTE SENSING, AND SUPPORTED 100 KM DELIMITATION OF OUTER
SPACE. US REVIEWED INTERNATIONAL COOPERATION AND ACCOMPLISH-
MENTS IN SPACE ACTIVITIES DURING PAST YEAR. AT SUBSEQUENT
INFORMAL SESSION OF WORKING GROUP ON MOON TREATY, USSR PRO-
POSED TREATING NATURAL RESOURCES ISSUE IN SEPARATE VOLUNTARY
PROTOCOL IN ORDER TO RESOLVE STALEMATE. END SUMMARY.

2. IN GENERAL DEBATE, AUSTRIA (HOLZER) DEFERRED DETAILED
COMMENTS ON SPECIFIC AGENDA ITEMS; EXPRESSED CONFIDENCE
THAT PAST TRENDS OF LSC ACCOMPLISHMENTS WOULD CONTINUE;
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AND EXHORTED MEMBERS TO RENEW EFFORTS TO FIND GENERALLY
ACCEPTABLE SOLUTIONS TO OUTSTANDING PROBLEMS. ON REMOTE
SENSING, SAID GUIDANCE OF STSC ON "PRIMARY DATA/ANALYSED
INFORMATION" DISTINCTION SHOULD BE USEFUL, AND TWO-STEP
PROCEDURE INVOLVING FORMULATION OF COMMON ELEMENTS AND
PRINCIPLES SHOULD CONTINUE. ON DBS, REFERRED OBLIQUELY
TO RESULTS OF 1977 WARC. ON MOON TREATY, SAID DIFFERENCES

ON NATURAL RESOURCES ARE NOT IRRECONCILABLE AND COMPROMISE
SOLUTION OUGHT TO BE POSSIBLE.

3. GDR REP (LUTHER) NOTED CONTRIBUTION LSC HAS MADE TO THE PEACEFUL
USES OF OUTER SPACE AND SUPPORTED GA REQUEST TO GIVE EQUAL
PRIORITY TO AGENDA ITEMS ON REMOTE SENSING, DBS AND DRAFT
MOON TREATY. CALLED FOR PARTICULAR EMPHASIS ON THREE
PRINCIPLES IN USE OF OUTER SPACE: (A) "FREEDOM OF OUTER
SPACE". ALL STATES MUST RECOGNIZE THIS PRINCIPLE; WHILE
SOME SEEK TO ASSERT SOVEREIGNTY OVER PARTS OF IT, OUTER
SPACE IS NOT SUBJECT TO UNILATERAL NATIONAL APPROPRIATION; (B) "BENEFIT

AND INTEREST OF ALL COUNTRIES"; (C) "PEACEFUL USE OF OUTER
SPACE". NO PRECEDENT EXISTED FOR SOME USERS TO HAVE
PRIORITY OVER OTHERS. A FORMULA BASED ON "COMMON HERITAGE
OF ALL MANKIND" IS INADEQUATE WITHOUT LEGAL QUALIFICATIONS.
ARTICLE 2 OF 1967 OUTER SPACE TREATY SHOULD SERVE AS
FRAMEWORK FOR AGREEMENT ON THE MOON AND OTHER CELESTIAL
BODIES.

4. BELGIUM (DELROT) ECHOED HOPES THAT ACCEPTABLE FORMULAS
CAN BE DEVELOPED ON ALL AGENDA ITEMS. ON MOON TREATY,
STRESSED NEED TO REGULATE PREOPERATIONAL PHASE; REFERRED
TO ITALIAN PROPOSAL LAST YEAR WHICH EMPHASIZED ECONOMIC
ADVANTAGES AND PRACTICAL APPLICATIONS OF TECHNOLOGY, AS
PROVIDING BASIS FOR ACCEPTABLE SOLUTIONS. ON DBS, HE MADE
THREE POINTS: (A) INHERENT TECHNICAL RESTRAINTS IMPOSED
BY ITU RULES RENDER FURTHER DEBATE ON PRIOR CONSENT A
"USELESS EXERCISE"; (B) THE RIGHT TO BROADCAST FREELY AND
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ENGAGE IN FREE EXCHANGE OF IDEAS (IN DBS AS IN OTHER AREAS)
IS AN INALIENABLE, SOVEREIGNTY, INTAGIBLE RIGHT, ALTHOUGH
ONE MUST RESPECT THE SOVEREIGNTY OF OTHERS; AND (C) THE
RIGHT TO RECEIVE BROADCASTS IS EQUAL TO THE RIGHT TO
BROADCAST. THESE CAN BE RECONCILED BY AGREEMENT ON A
PRINCIPLE OF CONSULTATION (ALONG LINES OF SWEDISH/CANADIAN
PROPOSAL) ACCORDING TO WHICH EACH STATE WOULD PROMOTE
RECEPTION OF IDEAS FROM ABROAD TO EXTENT COMPATIBLE WITH
ITS NATIONAL SECURITY AND PUBLIC ORDER. REMOTE SENSING
REQUIRES RECONCILIATION OF FREE USE OF SPACE FOR SCIENCE
AND SOVEREIGNTY OVER TERRITORY; BELGIUM SUPPORTED EFFORTS TO
CLARIFY DISTINCTION BETWEEN DATA AND INFORMATION AND TO
DEVELOP CRITERIA FOR DATA SHARING. RECALLING BELGIAN
PROPOSAL LAST SESSION FOR NEW ELEMENTS TO ALLEVIATE
LEGITIMATE FEARS OF STATES ABOUT REAL OR SUPPOSED USE OF
DATA TO THEIR DETRIMENT, AND SAID WORK SHOULD PROCEED ON
THIS ISSUE. ON DEFINITION/DELIMINATION, BELGIUM SUPPORTED
100 KM, AS HE CLAIMED IT HAD DONE IN LAST STSC SESSION;
ANY ORBIT OR TRAJECTORY ABOVE THAT LIMIT WOULD BE COVERED

BY 1976 TREATY. EXPRESSED WILLINGNESS TO DISCUSS
GEOSTATIONARY ORBITS AS A NATURAL RESOURCE.

5. U.S. (HOSENBALL) REVIEWED MAJOR US ACCOMPLISHMENTS IN
SPACE DURING PAST YEAR AS PER STATE 057236, EMPHASIZING
INCREASING INTERNATIONAL PARTICIPATION AND COOPERATION IN
SUCH PROGRAMS AS THE SPACE SHUTTLE, ESA SPACELAB, ATS-6,
CTS, LANDSAT, HELIOS SOLAR PROBES, UNIVERSITY OF ROME'S
SAN MARCO SERIES, SOLAR MAXIMUM MISSION, PIONEER VENUS
ORBITER AND PROBE, AND APOLLO-SOYUZ. NOTED SPACE RESEARCH
NO LONGER A NOVELTY OR THE SOLE PROVINCE OF A VERY FEW
NATIONS, AND EXPRESSED GRATIFICATION THAT SO MANY COUNTRIES
ARE INVOLVED IN SECURING BENEFIT OF SPACE EXPLORATION AND
RESEARCH THROUGH INTERNATIONAL COOPERATION. MADE AVAILABLE
FOR DISTRIBUTION TO DELEGATES NASA'S APOLLO-SOYUZ PUBLICA-
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6. USSR (MAIORSKI) FULLY ENDORSED GDR STATEMENT AND NOTED
THAT IN FOCUSING ON PRIORITY AGENDA ITEMS, LCS TENDS TO
FORGET UNDERLYING PRINCIPLES CONCERNING FREEDOM OF OUTER
SPACE IN ACCORDANCE WITH 1967 TREATY.

7. FOLLOWING ADJOURNMENT, INFORMAL "MINI-GROUP OF WORK-
ING GROUP I CONVENED TO DISCUSS DRAFT MOON TREATY (TOM).
REFERRING TO WORKING PAPER CIRCULATED LATE MARCH 15 BY
AUSTRALIA AND CANADA (WG.I/WP.1) (POUCHED L/UNA - STOWE),
USSR REP MAIORSKI SAID DOCUMENT WOULD BE ACCEPTABLE
WITHOUT RESERVATION IF (A) BRACKETED MATERIAL ("AND OTHER
CELESTIAL BODIES") WERE EXCLUDED FROM ARTICLES I, II, IV,
IX BIS, X, BIS (7), AND XIII, AND (B) BRACKETS THEMSELVES
WERE REMOVED FROM ARTICLE X (BIS). SEPARATELY, MAIORSKI
PROPOSED DELETION OF ANY REFERENCE TO NATURAL RESOURCES
IN TOM AND ADVOCATED DEVELOPING PROTOCOL WHICH WOULD REMAIN
VOLUNTARY UNTIL REVIEW CONFERENCE CONVENED IN ACCORDANCE
WITH TOM. HIS RATIONALE FOR THIS APPROACH WAS THAT:
(A) ORIGINAL SOVIET DRAFT MADE NO MENTION OF NATURAL
RESOURCES; (B) VOLUNTARY PROTOCOL WOULD PERMIT GAINING
EXPERIENCE AND UNDERSTANDING ON WHICH TO BASE POSSIBLE
LATER DECISION TO MAKE IT MANDATORY; (C) SOVIET AND OTHER
DELS WOULD FIND LDC PROPOSALS LAST SESSION MORE ACCEPTABLE
IN THIS CONTEXT; AND (D) LSC COULD CONCLUDE CONSIDERATION
OF TOM AFTER YEARS WITHOUT PROGRESS ON NATURAL RESOURCES
ISSUE. HE ASKED OTHER DELS TO CONSIDER THIS APPROACH AS
WAY OUT OF STATEMATE. OTHER DELS, INCLUDING US, MADE NO
COMMENTS ON SOVIET INPPATIVE.
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